

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JENNIE COURTNEY,)
AS ADMINISTRATRIX OF THE)
ESTATE OF DENNIS COURTNEY,)
DECEASED,)

Plaintiff,)

v.)

ANTHONY CLARK, et al.,)

Defendants.)

CIVIL ACTION NO. : 2:06-CV-600-DRB

**DEFENDANT DICKEY AND ASSOCIATES, INC.'S MOTION TO EXTEND EXPERT
WITNESS DEADLINE**

COMES NOW the Defendant, Dickey & Associates, Inc. ("Dickey & Associates") and files this motion to extend its expert witness deadlines and as grounds therefor states as follows:

1. On August 9, 2006, the parties conducted a telephone Rule 26(f) meeting of the parties to discuss deadlines and discovery for this case and submitted their report of the parties planning meeting (Doc. 18). On August 21, 2006, this Court entered its Uniform Scheduling Order, which among other deadlines, instructs the Plaintiff to identify experts and provide Rule 26 reports by March 1, 2007 and the Defendants by April 2, 2007 (Doc. 21; Section 8). The Uniform Scheduling Order also provides that "[a]ll parties are expected to comply with each and every provision of this order in a timely manner, and extensions will be granted in only extraordinary and unforeseeable circumstances." (Doc. 21; ¶ 1).

2. The Plaintiff failed to disclose her expert witnesses by March 1, 2007, the deadline set forth in the Uniform Scheduling Order of this Court. The Plaintiff then filed an untimely motion to extend her expert deadline (Doc. 78) on March 2, 2007.

3. The Uniform Scheduling Order requires that this Defendant by April 2, 2007 “disclose the identity of ANY person who may be used at trial to present evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence, and provide the reports of retained experts or witnesses whose duties as an employee of the party regularly involved in giving expert testimony, required by Rule 26(a)(2) of the Federal Rules of Civil Procedure.”

4. The Plaintiff has offered no criticisms nor identified any expert to offer opinion testimony regarding Dickey & Associates. The complaints contain no specific statements as to Dickey & Associates’ alleged liability, and there has been no testimony or expert opinions offered for which rebuttal experts may be appropriate. Therefore, this Defendant requests this Court, should it grant leave to the Plaintiff to later name an expert witness, as to this Defendant, to allow this Defendant additional time to offer rebuttal experts as to any criticisms, if such is allowed.

WHEREFORE, THE PREMISES CONSIDERED, this Defendant requests that this Court grant Dickey & Associates an extension of time within which to name its expert as required by Rule 26(a)(2) of the Federal Rules of Civil Procedure and give Dickey & Associates a period of thirty days from the date that the Plaintiff tenders her expert for deposition within which to name its expert.

Respectfully submitted,

s/ Alan T. Hargrove

s/ R. Brett Garrett

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CERTIFICATE OF SERVICE

I hereby certify that on the above document was electronically served upon the following on March 30, 2007:

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Steven Keith Herndon, Esq.
Daryl L. Masters, Esq.
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I hereby certify that on March 30, 2007, I have served the foregoing by placing a copy of the same in the United States Mail, postage prepaid, upon:

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s/ R. Brett Garrett

s/ Alan T. Hargrove

OF COUNSEL